IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5286 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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VAIDYA K.U. BARAD

Versus

STATE OF GUJARAT THROUGH SECRETARY

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Appearance:

MR ANAND L SHARMA for Petitioners

MR AD OZA for Respondent-State

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 26/09/2000

ORAL JUDGEMENT

#. Heard the learned counsel for the parties.

#. Mr.A.D.Oza, learned counsel for the respondent-State submits that this court, in identical matter being Special Civil Application No.9005 of 2000, decided on

24th August, 2000, has given direction to the petitioners therein to first file a representation in respect of grievances made in their petition to the State of Gujarat through the concerned Secretary and the concerned Secretary has been given direction to decide the matter within time bound programme.

#. We are talking about and also encouraging pre-litigation adjudication of the matters. For this pre-litigation adjudication of the matters, appropriate and permanent forum, particularly in service matters, is the need of the hour at Gandhinagar. In this regard, steps are not being taken. In many of the cases, this court has given directions for constituting a High Level Committee for deciding disputes in between the State on one hand and the Corporations, etc. on the other. If we go by statistics of cases, particularly the Special Civil Applications which are coming up before this court from time to time, majority percentage thereof are service matters. In service matters, such a High Level Committee for pre-litigation if permanently set up, will serve dual purposes. So far as State Government is concerned, firstly, there may not be litigation in substantial number of cases and this will save valuable time of the officers of the Departments which is to be consumed in defending cases in the court. Secondly, it may not be a burden on the public exchequer. This is one aspect, second is that it will also work in the direction which is most importantly to be taken care of in the present scenario. Looking to the mounting arrears of cases, it will result in reducing incoming of cases and as a result of which, the courts will have time to decide the old matters.

#. However, I have been told that no such permanent committee has been constituted for taking service matters at a pre-litigation stage. The Special Civil Applications are disposed of in the terms that the petitioners are free to file a detailed representation to the Chief Secretary of the State of Gujarat in respect of grievances made in this matter and if such a representation is filed, the Chief Secretary shall constitute a Committee of four members under his chairmanship and three other members not below the rank of Secretary from Finance Department, Law Department and the Department concerned and shall decide this representation within a period of one month from the date of receipt thereof, after hearing all the concerned parties, if they so desire. On this representation, a reasoned order has to be passed where the grievances made by petitioners are not acceptable. Interim relief, if

any earlier granted and which continues till date, shall continue till the matter is decided by the Committee. In case the order goes adverse to the petitioners on representation, liberty is granted to the petitioners for revival of this Special Civil Application by filing a simple note. Rule and Special Civil Application stand disposed of accordingly with no order as to costs.

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(sunil)